

REMARKS

Claims 1, 5, 15, 22 and 36-50 are pending in the present application. Claims 1, 36-39 and 45 are independent claims. Claims 2-4, 6-21, and 23-35 were previously cancelled.

INTERVIEW SUMMARY

Applicant's representative appreciates the time and consideration given by Examiner Zhao during the telephone interview on May 17, 2010. During the interview, Applicant's representative discussed the Section 101 rejections and proposed certain language for overcoming these rejections. While an agreement was not reached with regard to the Section 101 rejections, the Examiner did agree to discuss Applicant's position with the USPTO Quality Control group and his supervisor and to contact Applicant's representative prior to issuance of a next Office Action if the proposed amendments discussed did not overcome the current Section 101 rejections. With regard to the Section 103 rejections, Applicant's representative explained various distinctions between the claims as currently presented and each of the references. Amendments were discussed in view of Applicant's arguments for placing each of the pending claims in condition for allowance.

CLAIM REJECTIONS – 35 U.S.C. §101

Claims 1, 5, 15 and 22 are rejected under 35 U.S.C. §101 as directed to nonstatutory subject matter. Reconsideration of these rejections is respectfully requested for the following reasons.

Each of Claims 1, 5, 15 and 22 have been amended to recite that the recording medium is "tangible". On February 23, 2010, the USPTO published a Notice in the Office Gazette regarding subject matter eligibility of computer readable

medium. The Notice distinguishes between “non-transitory tangible medium” and “transitory propagating signals.” Applicant submits that the amendments to Claim 1, 5, 15 and 22 are sufficient for placing each of these claims, as well as the claims dependent therefrom, in compliance with Section 101 in a manner consistent with the February 23, 2010 Notice.

CLAIM REJECTIONS – 35 U.S.C. §103

Claims 1, 5, 15 and 22 and 36-50 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takao (U.S. Patent No. 7,000,246), in view of Kikuchi et al. (U.S. Patent No. (U.S. 5,870,523), in view of Shimoji et al. (U.S. Patent Application No. 2004/0,088,739) and further in view of Kim et al. (U.S. Patent No. 7,020,384).

Claim 1 is directed to a tangible recording medium having a navigation management system for managing real-time production of multiple reproduction path video data recorded on the medium. In one example, as shown in Fig. 3 of the application as filed, the audio/video stream includes a plurality of real-time navigation (RTN) data packets. The navigation data contained within the packets includes various information as described in Paragraph [0035] of the application as filed. In the navigation unit, RTN packets are sequentially and successively recorded in a header portion of the navigation unit as shown in Fig. 3. They may also be discontinuously recorded as shown in Fig. 5. Each of the plurality of navigation transport packets have packet IDs that are different from packet IDs for the A/V Packets. As recited in Claim 1, the plurality of real-time navigation packets includes a real-time navigation table having real-time navigation data. The real-time navigation data includes the plurality of real-time playback information and an indication information reflecting the number of real-time playback information within the navigation unit. These elements are both shown in Fig. 3. Finally, the real-time navigation packets are transport packets.

The Applicant submits that the combination of references set forth by the Examiner represent a collection of art that are each directed to different problems that use respectively different data structures to address these issues. In the combination of references, the Examiner acknowledges that no one reference cited teaches each and every aspect of Claim 1. Instead, the Examiner has relied on selected portions of each of the references in order to pick and choose various elements in order to complete a combination of references that would not be combined by one of ordinary skill in the art.

First, the Examiner relies upon Takao as teaching a recording medium for managing reproduction of video data recorded on a recording medium having at least one navigation area storing navigation management information for managing real-time reproduction path video data recorded on the recording medium. The Examiner relies on Fig. 29, Col. 21, Lines 60-64 as teaching video packets similar to that recited in Claim 1. However, there is insufficient information presented in the cited portions of the reference with regard to NVT1 and NVT2 that are identified by the Examiner as corresponding to the real-time navigation packets to support the current rejections.

Furthermore, the Examiner states that the area of the recording medium beginning from the first SIT to the beginning of the next SIT corresponds to the navigation management information area. However, there is nothing to support the Examiner's apparent conclusion that Takao includes a navigation unit having RTN packets with similar constructions to those recited in Claim 1. Even assuming that this reference shows some form of navigation packets as part of an A/V stream, it does not provide sufficient information to support the Examiner's conclusion that it teaches the navigation management information of Claim 1.

The Examiner recognizes that the primary reference fails to teach several aspects of Claim 1 as amended. To cure these deficiencies, the Examiner first

relies on Kikuchi et al. While Kikuchi et al may teach navigation data having a destination address for several different angles, it does not teach information indicating the number of real-time playback information. To the extent that Fig. 29 contains an angle cell, there is nothing in the data structure that is the same or similar to representing **the total number** of RTN packets contained in the navigation unit. As described at Paragraph [0039] of the application as filed, the RTN Table contains RTN data for each RTN packet in a navigation unit. The RTN Table contains general information including the **total number of RTN packets** within the navigation units followed by a sequential list of RTN data for each RTN packet. Thus, to the extent that Kikuchi teaches having a sequential list of information related to each of the angle cells, it does not teach a data structure where the **total number** of navigation packets in the navigation unit is recorded. More simply, notwithstanding the Examiner's conclusions to the contrary, the cell number does not correspond to "indicating the number of real-time playback information" as recited in Claim 1.

The Examiner further acknowledges that neither Takao nor Kikuchi teach wherein the plurality of real-time navigation packets comprises a real-time navigation table where each real-time navigation packet has the same packet ID that is different from that of each of the plurality of video packets. To cure these deficiencies in the two previous references, the Examiner next relies upon Shimoji et al. Applicant disagrees with the Examiner's interpretation of this reference.

It is the Examiner's position that element "7405" corresponds to the navigation table as recited in Claim 1. Element "7405" according to paragraph [0036] of the reference identifies the data stream that is used for transmitting navigation information tables included in the content zero. Various navigation information tables are multiplexed as part of the A/V stream. However, there is nothing in the reference that suggests that the data stream "7405" represents a

compilation of information related to the various navigation data. Very simply, the RTN Table represents a collection of data reflective of the RTN packets recorded as part of the navigation unit. In contrast, element “7405” represents a data stream that includes information about various navigation tables that are otherwise *unrelated*. There is nothing in the reference to suggest that the various information contained in “7405” are related even though they may have the same PID. Thus, Applicant submits that the Examiner’s conclusions with regard to Shimoji et al. are unsupported by a careful reading of the reference.

Lastly, the Examiner relies upon Kim et al. as teaching real-time navigation packets as transport packets relying on the Abstract, Fig. 8, in Claim 1 of Kim et al. The Examiner acknowledges that none of the other cited references disclose real-time navigation packets as transport packets. In fact, this issue was discussed during the interview of September 1, 2009 where the Examiner acknowledged that none of the references show this particular aspect.

If anything, Kim et al. only discloses having a transport packet that carries timing information, not navigation information, as that term would be understood by one of ordinary skill in the art. The reference does not mention the term “navigation information” in describing the preferred embodiment; this term only appears in the Abstract and the claims. Fig. 8 of the reference, which is specifically relied on by the Examiner, refers to a program clock reference inserted intermittently in the transport packets as a transport time reference of a packet. Thus, the timing information in the TP contemplated by Kim et al. is dramatically different from the real-time navigation packets recited in Claim 1. As such, Kim et al. is insufficient to support the current rejections under Section 103 since it fails to teach, either expressly or inherently, having real-time navigation data (as contrasted with timing information) in the transport packets.

In summary, the combination of references set forth by the Examiner represent a collection of features that one of ordinary skill in the art would not combine as suggested by the Examiner. Furthermore, the references fail to teach several functional and structural aspects of Claim 1 that does not support the Examiner's interpretation of their teachings in support the current rejection under Section 103.

Independent Claims 36, 37, 38, 39 and 45 have similar limitations to Claim 1 and represent allowable subject matter for at least the reasons set forth above with regard to Claim 1. As such, each of the claims dependent on the aforementioned independent claims also represents allowable subject matter.

While Applicant has not addressed each and every interpretation and application of the references by the Examiner as to selected claims, this should not be considered as an admission that Applicant concedes to the correctness of the Examiner's positions as set forth in the current Official Action. Applicant reserves the right to traverse or otherwise challenge the Examiner's position in the future as appropriate.

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CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 5, 15, 22 and 36-50 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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